1949.

File No. O. Poisons/49

Legal Department

A BRANCH

K

Subject:— Opinions under the Poisons Act 1919

D-4/HD

File No. O. Poisons/49

296-A

SECRET.

O. Poisons/40

Legal Department File No.....

Sr.No.	D.T./O No.	Subject	Pages.

Poisons Act, 1919

1.	D.T.No.118/S-1-40 O.No. 2080/S-3-40.	Whether there is any legal objection to accepting the second alternative suggested by the Commr. of Police for disposal of poisons remaining with the licensee on the termination or cancellation of his license	1-4
2.	O.No.—/—	Whether it would not be necessary to specify denatured spirit as treated as a poison under the Act.	5-6

2 DN dated 4-9-40.

12/6

L.D.R.I.No.118 dt. 5-1-1949.

Submitted.

Slip Q,below (H.D. file No. 7951)

p.5 ante

Please see the letter from the District Magistrate Broach at p.1 ante. He has pointed out that there is no provision in the Rules framed under sec. 3 of the Poisons Act, 1919 for disposal of poisons remaining with the licensed on the termination or cancellation of his license. The Comsr. of Police, Bombay to whom the papers were referred to for remarks, has suggested that such stock remaining with a licensee after the termination or surrender of his license and make over the sale proceeds to the owner after deducting the expenses or credit all the sale proceeds to Govt. as Govt. may think fit. (presumably in a case where a license has been cancelled due to any breach of rules). The H.L.A. has been requested to advise whether there is any legal objection to accepting the second alternative suggested by the Comsr. of Police, and also whether it is necessary to provide for such a course by framing a rule under the Poisons Act, 1919.

MM

SO dated 4-5-'50.

Office of the R.L.A.

The second alternative suggested by the Commissioner of Police cannot be adopted, for on the surrender of a license the licensee would only be prohibited from selling or disposing of the stock of poisons but his ownership thereof would not be extinguished without which Government would not be entitled to credit the sale proceeds of such stock.

c.c. P.M.LAD.
Remembrancer of Legal Affairs.

Encl.
U.O. to W.P.No. 2668 , dated the 9th March 1940.

80 dated 4-5-'40.

Office of the R.I.A.

Rule 2 of the Rules regulating the denaturation of Indian-made rectified spirits, provides that two classes of denatured spirit shall be made, received, sold or used. Ordinary denatured spirit consists of 99 p.c. alcohol, ½p.c. light caoutchoucine and ½ p.c. of crude pyridine (see clause (a)).

2. The Commissioner of Excise states that these denaturants do not deter the people from using the spirit so denatured for potable purposes. He requested the Surgeon General to suggest some suitable poison as would render denatured spirit completely unfit for potable purposes. It appears that the Committee recommended addition of ½ per cent. naphthalene to the spirit in addition to the denaturants used at present. It is stated by the Committee that the spirit denatured with the addition of naphthalene will have a cumulative poisonous effect. The substances such as caoutchoucine, pyridine and naphthalene are not included as poisons under rule 3 and the Poisons Act would not, therefore, be attracted. If, however, as stated by the Committee, it is proposed to create a cumulative poisonous effect, it is for Government's consideration whether it would not be necessary to specify denatured spirit so treated as a poison under the Poisons Act. The object of the Poisons Act is to safeguard the public against the free dissemination of poisons which are likely to fall into unsafe hands and, if the denatured spirit of this kind is in reality a poison, it should be specified under the Act, considering its frequent household use.

-P.M.LAD.
13/6

O.C.
Remembrancer of Legal Affairs.

P.P. to R.D.No. 6645 dated the 10th June 1916.